



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 3, 1998

Mr. Vernon M. Arrell
Commissioner
Texas Rehabilitation Commission
4900 North Lamar Boulevard
Austin, Texas 78751-2399

OR98-1825

Dear Commissioner Arrell:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117241.

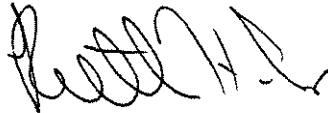
The Texas Rehabilitation Commission (the "commission") received a request for all commission job postings, above the pay and grade level of 19, for the preceding 18 months. The commission is involved in litigation and you assert that the requested job postings are protected from disclosure pursuant to section 552.103(a), which excepts from disclosure information:

- (1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and
- (2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

We reviewed the job postings, which consist of internal and standard job postings. The internal postings were published to all commission employees, with no apparent restriction on use or re-publication. The standard postings were listed on a statewide jobline and posted with the Texas Workforce Commission for general publication. Since the job postings at issue appear to have been made public, they may not now be withheld from disclosure under the Open Records Act. Gov't Code § 552.007(b).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 117241

Enclosures: Submitted documents

cc: Mr. Vernon Dement
2207 Wickersham, #313
Austin, Texas 78741
(w/o enclosures)